IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.495 OF 2007
IN
C.C.NO. OF 2006
IN
C.R.NO.151 OF 2006

Mr.Pappu Ram Prasad Verma ..Applicant

Vs.

State of Maharashtra ..Respondents

...

Mr.Vinod Y.Mishra advocate for applicant
Mr.V.B.Konde-Deshmukh A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 3, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No. 151 of 2006 of D.B.Marg Police Station. The said case is under Sections 342, 344, 365 r.w. 34 of IPC as well as 3 to 7 of PITA Act.

3. In this case, one Jahanara was taken away by the applicant under false pretext of providing her with work. The applicant took Jahanara to a

brothel of co-accused Gita Pal and there the applicant sold Jahanara to Gita Pal for Rs.4000/-. Thereafter, Jahanara was forced into prostitution by Gita Pal and her manager. The complainant who is a poor mason, was searching for his wife and finally he managed to trace her. He informed the police. Whereupon, a raid was conducted on the brothel of co-accused Gita and Jahanara came to be rescued. The statement of Jahanara as well as the complainant implicates the present applicant as the person who sold Jahanara to Gita for Rs.4,000/-.

4. The learned advocate for the applicant has submitted that the F.I.R. of the complainant cannot be relied upon because in the statement, the complainant has stated that he was residing at Bhayander and that on 11.7.2006 when he returned home, he found that his wife was not at home. In support of his contention, he has placed reliance on another letter of the complainant dated 29.7.2006 addressed to one Khandelwal wherein, the complainant has stated that he was residing at Nala Sopara and that when he came home on 13.7.2006, his wife was missing. Mr.Mishra contended that in view of the facts stated by the complainant in the

letter dated 29.7.2006, the FIR cannot be relied upon. As far as this aspect is concerned, it is seen that the complainant is a poor mason. He is an illiterate person and hence, some minor discrepancies in the address or date given by him would not falsify the prosecution case especially when the statement of Jahanara clearly implicates the applicant as being the person who sold her to brothel keeper Geeta Pal for Rs.4,000/- and thereafter, she was forced into prostitution.

5. Application is rejected.

[Smt. V.K.Tahilramani, J.]